# Speech to AABANY Prosecutors

## U.S. Attorney Preet Bharara

## July 1, 2010

## Intro

- Thank AABANY

## Highlights/USAO

- It is the great honor and privilege of my life to serve as United States Attorney for the Southern District of New York. I have a feeling that no matter how long I live and no matter what else I do, it will remain the great honor of my life.
- In my 10 months or so in office, we have dealt with every conceivable type of crime and of every conceivable magnitude – whether it has been contemplating the trial of Khalid Sheik Mohammed in connection with 9/11 or pursuing and prosecuting the Times Square bomber;
- whether it has been handling the largest insider trading case in a generation, continuing to search for funds to return to the victims of Bernie Madoff, or –

most recently – exposing a nationwide Russian spy ring.

- Along the way, we have tried to clean up neighborhoods paralyzed by crime and enforce the civil rights laws wherever they are being violated – including in state prisons.
- But perhaps even more daunting than the caseload we carry is the knowledge that I head an office that has employed, before me, countless numbers of lawyers who have literally made history.
- Those who have served in the Southern District include lawyers who have gone on to become Mayor of New York, Governor of New York, Secretary of War, Secretary of Homeland Security, Attorney General, and Supreme Court Justice. Their names include Stimson, Root, Dewey, Morgenthau, Harlan, and Frankfurter.

- And so to follow in those footsteps, to inherit that history, to inhabit this position, is to be both humbled and inspired every day – humbled to be in the company of giants on whose shoulders I stand, and also inspired by their example to serve justice and only justice in all that I do.

- And lest I forget that legacy, in the hallway on the approach to my office is a wall of photographs of each of my predecessors.  So I see their faces every single day.
- Now, I don't know that I will ever come close to living up to even the lesser of those legends.  But I pledge to do my best every day.
- Now, as much as I am reminded by that wall of photos of the massive shoes I have to fill, I am also frequently reminded of the special privilege it is to represent the United States of America as someone who was not even born in the United States.
- That is a fact which says much more about America than it does about any abilities I may have.

- Given the sponsorship of this event, I think it is fitting to speak for a moment about the significance of the immigrant's journey from being an outsider . . . to being a part of the American fabric, an essential part of which is the American justice system.
- One reminder of the poignance of that immigrant journey came to me recently in the form of a letter from the parents of an Assistant U.S. Attorney I had just hired, which I'd like to share with you. It reads as follows:
    - "Dear Mr. Bharara: There are three occasions in our lives that have really stood out in reminding us of how proud we are to be Americans. The first occasion was when we became American citizens. The second occasion was standing at Mount Rushmore in front of our great Presidents' heads and singing the American Anthem. The third occasion was when you swore in our daughter [] as an Assistant United States Attorney."

        - "The . . . ceremony was heart wrenching and brought back the tears again of pride in America. I will never forget when you said to us that this is 'reaching the American dream.'"

- Another reminder came recently when I attended the investiture of Denny Chin to the Second Circuit Court of Appeals in New York, just across the street. Judge Chin was born 56 years ago in Hong Kong and came to America when he was just two; his father worked as a cook in a Chinese restaurant; his mother was a seamstress.
    - And just days ago he swore an oath to become a judge on the second highest court in the land – and the only currently active Asian American circuit court judge in the country.
- Yet another reminder came before I even became U.S. Attorney when I sat at the confirmation hearing of Judge Kiyo Matsumoto. Judge Matsumoto – whose Japanese parents were put in internment camps during World War II and whose family's faith in American justice must truly have been tried – was sworn in not long ago as a federal District Court judge in Brooklyn. Her appointment, in a way, transcended history.

- For my own part, my family's journey also has taught me something about history and humility and the American dream.
- At my swearing-in last year, I talked a bit about my father's reaction to my nomination. You see, for my whole life, my Dad was a studiously unemotional man.
- But in the months leading up to my confirmation, he sometimes seemed a bit overwhelmed by the prospect of his son becoming the United States Attorney for the Southern District of New York.
- But perhaps that was understandable for a man like my father, who was born 70 years ago halfway across the globe, who grew up in a small village, who lost his mother while still a toddler, who lived for a time in a home without even basic plumbing, and who became the first member of his family ever to go to college.
- He brought our family to this part of the world some 40 years ago, with only a few dollars in his pocket and a hope in his heart that we would have a better life in this country and that his children might, one day, amount to something in America.

- And so, when you are an Indian immigrant who becomes a naturalized citizen at age 12, who later becomes chief counsel to a United States Senator, and who later still is nominated by the first African-American president to become the first Asian-American U.S. Attorney in Manhattan, you begin to believe that anything is possible in America.
- And when you are then confirmed as U.S. Attorney even though your name is Preet Bharara; when you understand that your photo will nonetheless one day hang on that wall alongside people with names like Robert M. Morgenthau and Henry L. Stimson and Whitney North Seymour, Jr.; when your father came from nothing and you have everything, then you <u>know</u> anything is possible in America.
- In fact, I sometimes feel that I will not have enough breaths in my body to give back what I feel I owe my country.
- So, on the one hand, I understand and appreciate a family's pride and a community's excitement when one of its own makes a mark.
- It's the historical arc – leading ever upward – that every immigrant hopes his family will draw.

**<u>BUT</u>**

- But at the end of the day, whether you are lucky enough to wear a robe or wield a subpoena, neither I nor anyone else will ultimately be judged on the fact that we were the first Asian American this or the first African American that.
- In my view, there is not necessarily much achievement in merely securing a high position. What you do when you get there is what counts.
- *Because an Asian American can fail just as miserably as anyone else.*
- It is the quality of one's work and the strength of one's leadership and the power of one's vision that ultimately establishes everyone's place as a pioneer or a placeholder.
- And there are people all over the world who have never been appointed or elected to anything who have been the most consequential champions of justice and catalysts of progress.
- At the end of the day, we should not understate the importance of these milestones, but we should not overstate them either.
- And I know that I will be judged, when all is said and done, on whether or not I live up to the obligations I

undertook when I was sworn in as U.S. Attorney, obligations that every U.S. Attorney and District Attorney must satisfy, in my view:

  - the willingness to resign over principle;
  - the courage to resist even overwhelming public pressure to do the wrong or incorrect thing;
  - the independence to banish politics from all deliberation and decision-making;
  - the maturity to admit mistakes in public, even at the risk of certain embarrassment;
  - the wisdom always to value fairness over cleverness and justice over victory; and
  - the duty to view all participants in the criminal justice system – including defendants and victims alike – always as human beings with dignity and self worth.

- In the end, there is also the imperative to leave one's office in as good or better shape than one found it.
- All of you prosecutors also will be judged also by how you handled your responsibilities in what is often a tough but exhilarating job.

- Now, it is a heavy responsibility to come to work every day, knowing that real human lives and livelihoods depend on the decisions you make, and the discretion you exercise.
- But, boy, I don't think that anyone has a better job in this country than a public prosecutor – whose only allegiance is to the truth and whose only duty is to do justice.
- People spend their entire lives waiting for the opportunity to do something meaningful, to make a difference in the world. For so many people, that moment never comes. Prosecutors like you in this room have that opportunity every single day.
- And so I hope you cherish it.
- And I hope you find a way to keep doing that job as long as you possibly can.